

807 Fourth Ave.
10-10-03



OCT 10 2003



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COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, October 14 , 2003

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

October 7, 2003

TO: The Honorable Mayor and City Council

THROUGH: Said Larbi-Cherif, Interim Director for Building Permits and Inspections

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 807 E. Fourth, El Paso, Texas 79901 (Rep. District #8)

The following is a brief chronology of the investigation of the referenced location:

- 1) This property was investigated June 23rd, 2003. The building was found to be in an advanced state of disrepair.
- 2) A certified condemnation letter was mailed to the owners Jose L Cadena & Alma D. Hernandez, 1107 Delta Dr. #B, El Paso, Texas 79901-3020.
- 3) Certified notices of the public hearing scheduled for October 14th, 2003 were mailed to the owners and all interested parties on September 25th, 2003.
- 4) Further investigation of the housing and safety, further revealed that on March 17th, 2003, the owners of said building were ordered to vacate the building, relocate the tenants, secure the building, and maintain the building secure until repaired; since that time the building has continued to deteriorate to the extent that the department now is recommending that it be demolished
- 5) As of August 19th, 2003, \$1521.32 is owed in taxes.

The Department recommends that it be found:

- 1) That the structure has been condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the building is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure be demolished within 30 days; and
- 5) That the premises be cleaned of all trash and debris within 30 days; and

CITY CLERK DEPARTMENT
2003 OCT 8 PM 2 50

Copy

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
June 26, 2003**

Jose L. Cadena (CS)
Alma D. Hernandez
1107 Delta Dr. #B
El Paso, Texas 79901-3020

Re: 807 E. Fourth Ave.
Lot: 45.70 Ft. of 20 BEG
38.25 Ft. E of SWC
Blk: 111, Campbell
Zoned: A-3
COD03-09175
Certified Mail Receipt #
7002 2030 0005 7055 8279

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

807 E. Fourth Avenue

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 807 E. Fourth Avenue has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. In the event you fail to correct these violations within 30 days, the case will be submitted to the City Attorney's Office for condemnation proceedings. The City Council will decide if the building should be condemned, vacated, secured, repaired or demolished as per Sec. 18.52.040.

807 E. Fourth Avenue

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the condemnation deadlines can be granted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read 'Leo CassoLopez', with a stylized flourish at the end.

Leo CassoLopez
Building Inspector

LC/rl

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>Jose L. Cadena</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery 6/30/03 D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
1. Article Addressed to: <i>2C</i> Jose L. Cadena (CS) Alma D. Hernandez 1107 Delta Dr. #B El Paso, Texas 79901-3020 Re: 807E. Fourth Ave. <i>LH #3</i>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7002 2030 0005 7055 8279	

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

7002 2030 0005 7055 8279

U.S. Postal Service TM	
CERTIFIED MAILTM RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	<i>2C</i> JUN 27 2003 Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Jose L. Cadena (CS) Alma D. Hernandez 1107 Delta Dr. #B El Paso, Texas 79901-3020 Re: 807E. Fourth Ave.	
PS Form 3800, June 2002 See Reverse for Instructions	

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 14th day of October, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 807 E. Fourth Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: The East 45.70 feet of Lot 20, beginning 38.25 feet East of the Southwest corner of and in Block 111, Campbell's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 2, Page 68, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose Luis Cadena and Alma Delia Hernandez, 1107 Delta Drive #B, El Paso, Texas 79901 and Jesus Rivera, 1200 N. Copia Street, El Paso, Texas 79903, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

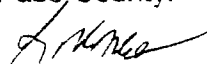
All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

CERTIFIED MAIL RECEIPT #7003 1010 0004 5304 2435

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated September 16th, 2003 regarding the property located at 807 E. Fourth Avenue, El Paso, Texas, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

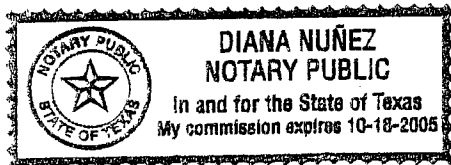


Richarda Duffy Momsen

Executed this 16th day of September, 2003 on behalf of the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this 18th day of September, 2003.


Notary Public

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated September 16th, 2003 regarding the property located at 807 E. Fourth Avenue, El Paso, Texas, was PUBLISHED in the official City newspaper on the 18th day of September, 2003.



Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated September 16th, 2003 regarding the property at 807 E. Fourth Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jose Luis Cadena and Alma Delia Hernandez
1107 Delta Dr. #B
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 16th, 2003 regarding the property at 807 E. Fourth Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jesus Rivera
1200 N. Copia St.
El Paso, Texas 79903

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 16th, 2003 regarding the property at 807 E. Fourth Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

George Malooly, Trustee
1200 N. Copia St.
El Paso, Texas 79903

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 16th, 2003 regarding the property at 807 E. Fourth Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

George W. Butterworth, P. C.
615 E. Schuster Ave., Bldg. 1
El Paso, Texas 79902

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 16th, 2003 regarding the property at 807 E. Fourth Avenue, El Paso, Texas, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 16th, 2003 regarding the property at 807 E. Fourth Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 16th, 2003 regarding the property at 807 E. Fourth Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at
807 E. Fourth Avenue, El Paso, Texas.

Date: _____

Time: _____

Inspector

7003 1010 0004 5304 2435

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	SEP 25 2003
Restricted Delivery Fee (Endorsement Required)	

LC

Postmark
Here

Jose Luis Cadena and Alma Delia
Hernandez
1107 Delta Dr. #B
El Paso, Texas 79901
Re: 807 E. Fourth Ave.



CONDEMNATION REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: June 23, 2003

REP. DISTRICT: 8

ADDRESS: 807 E. Fourth Avenue

ZONED: A-3

LEGAL DESCRIPTION: The East 45.70 feet of Lot 20, beginning 38.25 feet East of the southwest corner of and in Block 111, CAMPBELL'S ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 2, Page 68, Plat Records of El Paso County, Texas.

OWNER: Jose Luis Cadena and Alma Delia Hernandez

ADDRESS: 1107 Delta #B
El Paso, TX 79901

BUILDING USE: Two story two-family dwelling

TYPE OF CONSTRUCTION: V - Adobe Walls with Wood frame roof.

FOOTINGS: Reinforced concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Masonry

CONDITION: Unable to determine condition. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Floor joist with tongue and groove wood deck.

CONDITION: Floor joist appear to be sagging. A structural engineer should be hired to evaluate actual condition.

EXTERIOR WALLS: Adobe with plaster.

HEIGHT: 8'

THICKNESS: 4"-12"

CONDITION: Poor. A contractor should be hired to evaluate condition and make repairs.

INTERIOR WALLS & CEILINGS: Wood frame, plaster.

CONDITION: Poor. A contractor should be hired to evaluate and make repairs.

ROOF STRUCTURE: Wood frame, build-up roofing.

CONDITION: Poor. A roofing contractor should be hired to evaluate and make repairs.

DOORS, WINDOWS, ETC.: Wooden doors, wooden sash and frames

CONDITION: Extremely poor. All doors and windows need to be replaced.

MEANS OF EGRESS: Does not meet code

CONDITION: Poor. - Bedroom windows have bars.

PLUMBING: Extremely poor. A licensed plumber should be hired to replace system.

ELECTRICAL: Extremely poor. A licensed electrical contractor should be hired to bring system up to code.

MECHANICAL: Extremely poor. A licensed mechanical contractor should be hired to make repairs to comply with code.

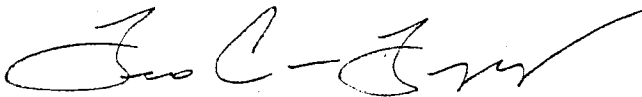
IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 18

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.: No

REMARKS: The Building was condemned to be vacant and secure on March 17, 1992. The structure should be demolished and the property cleaned of all weeds, trash and debris. A structural engineer should be hired to evaluate all structural aspects, if the structure is to be renovated.



Leo Casso-Lopez
Building Inspector

20030819 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 084359

ACCOUNT C05099911108500
UNITS:01 03 06 07 08
CADENA, JOSE L (CS)
HERNANDEZ, ALMA D
1107 DELTA DR # B

AMT DUE AS OF: 20030819 ROLL R ALT OWN
OMIT(-)/SEL(+)
111 CAMPBELL
45.70 FT OF 20 BEG 38.25 FT E OF
SWC (1188 SQ FT)

EL PASO		TX 79901-3020		PARCEL ADDRESS		807	FOURTH	
ACRES	.0273							
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE	
2002	28494	Y	600.65	39.90	14.72	600.00	54.62	
2001	28494	Y	591.28	02/12/2002	27.38	618.66	.00	
2000	28494	Y	571.59	03/02/2001	51.44	623.03	.00	
1999	28494		819.96	401.36	314.08	481.34	715.44	
1998	28494	Y	580.51	391.18	360.08	300.00	751.26	
1997	26270	Y	482.32	03/06/1998	43.41	525.73	.00	

TOTAL		2001.12	832.44	901.54				
LAST PAYOR OWNER					PAGE TOTAL		1521.32	
NOTE EXISTS					CUMULATIVE TOTAL		1521.32	
ENTER NEXT ACCOUNT								

El Paso Fire Department
Fire Prevention

To: Tom Maguire
Department: Building Services, Code Enforcement
From: Michael M. Welch, Fire Inspector
Date: September 4, 2003

Condemnation Report

Address: 807 E. Fourth Ave.
Legal Description: Block 111, Campbell, 45.70 Ft. of 20 Beg.
38.25 Ft. E. of SWC

Conditions Found:

	Good	Fair	Poor
Doors			XXXXX
Windows			XXXXX
Walls			XXXXX
Roof			XXXXX
Interior			XXXXX
Grounds			XXXXX
Other			XXXXX

Disposition: This is a woodframe, masonry structure that is occupied
At this time. It is not secured and a severe fire hazard at this time.


Recommendations: This structure is a life, health and safety
Hazard and must be secured until demolition can be carried out.

Attachments:

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT**ENVIRONMENTAL HEALTH****MEMORANDUM**

DATE: July 24, 2003

MEMO TO: Tom McGuire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector 

SUBJECT: Condemnation Report

RE: 807 E. Fourth Ave. 79901

An inspection of the property was conducted on July 23, 2003 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA:
N/A

SECTION 9.04.340 - ACCUMULATIONS:
N/A

SECTION 9.16 - NUISANCE:
N/A

SECTION 9.16.010 - DESIGNATED:
N/A

SECTION 9.28 - RAT CONTROL:

The structure consists of an apartment building. The structure is decaying inside and out.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

R E S O L U T I O N

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the building located on the property at 807 E. Fourth Avenue in El Paso, Texas, which property is more particularly described as follows:

The East 45.70 feet of Lot 20, beginning 38.25 feet East of the Southwest Corner, of and in Block 111, of the CAMPBELL'S ADDITION to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 2, Page 68, of the Plat Records of said County; and municipally known and numbered as 807 E. Fourth Avenue, El Paso, Texas;

is dilapidated, substandard and unfit for human habitation; is a hazard to public health, safety and welfare; and

WHEREAS, SALVADOR AND MARIA GLORIA GONZALEZ and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on March 17, 1992; and

WHEREAS, MARIA GLORIA GONZALEZ appeared,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council, having heard the evidence, makes the following findings:

a. That the building located on said property is substandard, unfit for human habitation, and therefore a hazard to the public health, safety and welfare; and

b. That the building is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and

2. That the City Council hereby ORDERS Owners to comply with the following requirements:

a. That the Owners of said building are hereby ORDERED to vacate the building, relocate the tenants, secure the building and maintain the building secure until repaired, and clear the property of all rubbish and debris; and

b. That the record Owners are hereby ORDERED to submit plans to rehabilitate the building; and

c. That the record Owners are hereby ORDERED to comply with all requirements of this Resolution within sixty (60) days from the adoption of this Resolution; and

3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Building Official shall vacate and secure the building and maintain the building secure until repaired, relocate the tenants, and clear the property of all rubbish and debris at its own expense, but for and on account of the Owners of said property; and

4. That said Owners shall become personally liable for all costs incurred by the City in connection with the vacation and securing of the building, the relocation of its tenants and cleaning of the premises; and

5. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons


having an interest in the property as provided by law.

ADOPTED this 17th day of March, 1992.

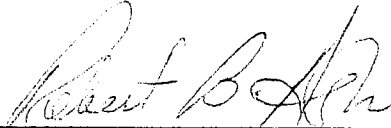
THE CITY OF EL PASO


Mayor

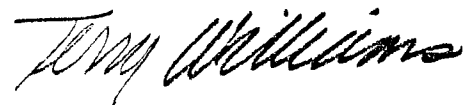
ATTEST:


City Clerk

APPROVED AS TO FORM:


Assistant City Attorney

APPROVED AS TO CONTENT:


Building Inspection Supervisor

RA/klh
DEMO.RES
807FOURT.RES